

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED

AUG - 5 2019

Clerk, U.S. District Court
Texas Eastern

ANTHONY DAVID TEAGUE, #1976916

VS.

CIVIL ACTION NO. 4:16cv814

DIRECTOR, TDCJ-CID

MOTION TO AMEND PETITION

Petitioner Pro Se, Anthony David Teague, requests leave of the Court to amend his pending §2254 Petition to include additional facts in support of his claims. This motion is not made for delay, but so this Court can consider all material facts in this case. The additional facts follow:

1. Petitioner wanted to include his Prosecutorial Misconduct Ground on his original 11.07 Application, but was dissuaded from doing so by Mr. Terrence Patrick Sheehan, disbarred lawyer and incarcerated person in TDCJ who was acting as an admitted agent of the Collin County DA's Office and Southern Methodist University. Mr. Sheehan told Petitioner (then Applicant) that if he brought in his Vindictive Prosecution claim, the State District Court would recommend Denial of his Application and that the TCCA would follow along with anything the District Court said.
2. Mr. Sheehan recommended the Jury instruction error and IATC-Jury instruction Ground long before the Applicant even told Mr. Sheehan what the Applicant had been charged with, let alone received his records from the State Appellate Court containing the erroneous instructions. He said that these technicalities would be less "politically volatile" and more likely to result in success.
3. Mr. Sheehan also attempted to negotiate a settlement from the parties adverse to Petitioner. At first \$1 million was offered and later \$1.2 million. After Petitioner/Applicant declined those offers, the

State maliciously engaged in dilatory tactics on his 11.07 and ultimately recommended denial of his Application. His life was also threatened by TDCJ staff and Petitioner was transferred off the unit where Mr. Sheehan was assigned.

4. This Petition followed which was assigned to an SMU law graduate for fact-finding and recommendation. Her office is right next to SMU Regent Richard A. Schell. The case was wrongfully delayed and ultimately a bogus report and recommendation was entered, but only after the Petitioner threatened a hunger strike (which was not filed by the clerk contrary to Fed. R. Civ. P.).
5. Petitioner believes these facts constitute cause and prejudice as Mr. Sheehan was acting as a state agent and Petitioner believed his unethical and illegal advice given him in collusion with the CCDA's Office and SMU. Mr. Sheehan also had knowledge of communications between Petitioner and Mr. John Rolater of the CCDA's Office, despite the fact that Petitioner never told Mr. Sheehan about them. This excuse for procedural default is presented as an alternative in the event that this Court does not hold the Prosecutorial Misconduct Ground to be merely unexhausted and such an excuse for procedural default becomes necessary. It is also relevant in the sense that it shows a continuing pattern of misconduct by agents of the State in the malicious and vindictive prosecution of the Petitioner.

Pursuant to 28 U.S.C. §1746, I declare the foregoing to be true under penalty of perjury.

SIGNED this 31st day of July, 2019,

X 

Anthony David Teague #1976916
PETITIONER PRO SE